

FORTY-EIGHTH DAY

(Tuesday, April 14, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Heavenly Father, in these hours of difficult decisions, we need Thy help. We pray for help to bear the fret of care; the sting of criticism; the drudgery of unappreciated toil; and to make right decisions. Supply all our needs according to Thy riches of grace through Jesus Christ, our Lord. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Senate Bill 444 on First Reading

Senator Roberts moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30

Aikin	Fly
Baker	Fuller
Bradshaw	Gonzalez
Colson	Hardeman
Crump	Hazlewood
Dies	Herring

Hudson	Ratliff
Kazen	Reagan
Krueger	Roberts
Lane	Rogers
Martin	Secrest
Moffett	Smith
Owen	Weinert
Parkhouse	Willis
Phillips	Wood

Absent

Moore

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Roberts:

S. B. No. 444, A bill to be entitled "An Act prohibiting the participation in or organization of 'nudist camps'; providing for a penalty and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Resolution 342

Senator Phillips offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Sixth Grade of Island Elementary School, Galveston, Texas, accompanied by their parents, teachers and sponsor, Mrs. Agnes M. Schindler; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Phillips by unanimous consent presented the students, parents, teachers and sponsor to the Members of the Senate.

Senate Bill 445 on First Reading

By unanimous consent the follow-

ing local bill was introduced, read first time and referred to the committee indicated:

By Senator Fuller:

S. B. No. 445, A bill to be entitled "An Act to fix the maximum salary and provide other compensation for the Official Shorthand Reporters of the Judicial District Courts, Civil or Criminal, and the Official Shorthand reporter of the County Court at Law, of Jefferson County; and declaring an emergency."

To the Committee on Jurisprudence.

Report of Standing Committee

Senator Bradshaw submitted the following report:

Austin, Texas,
April 14, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 320, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

BRADSHAW, Chairman.

Senate Bill 446 on First Reading

Senator Bradshaw moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The following bill was then intro-

duced, read first time and referred to the committee indicated:

By Senator Bradshaw:

S. B. No. 446, A bill to be entitled "An Act authorizing the Comptroller, State Treasurer, and the State Board of Insurance to transfer certain funds from the Travel Expense Appropriation for the State Board of Insurance to Other Operating Expense Appropriations; and declaring an emergency."

To the Committee on Finance.

Senate Bill 447 on First Reading

By unanimous consent, the following local bill was introduced, read first time and referred to the Committee indicated:

By Senator Hardeman:

S. B. No. 447, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI of the Constitution of Texas, to be known as the 'Upper Nueces Conservation and Reclamation District'; defining the powers of the District and providing for its management and operation; declaring the act to be severable; and declaring an emergency."

To the Committee on Water and Conservation.

Senate Bill 448 on First Reading

Senator Willis moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Kazen
Baker	Krueger
Bradshaw	Lane
Colson	Martin
Crump	Moffett
Dies	Moore
Fly	Owen
Fuller	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers

Secrest
Smith
Weinert

Willis
Wood

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senator Willis:

S. B. No. 448, A bill to be entitled "An Act relating to the validation of the incorporation, boundaries, and governmental proceedings of certain cities and towns of five thousand (5,000) inhabitants or less; amending Section 4 of Senate Bill No. 137, Acts of the 56th Legislature, Regular Session, 1959, so as to make the provisions of that Act inapplicable to cities and towns involved in litigation on the effective date of the original Act or on the effective date of this amendment, questioning the legality of the incorporation, annexation and/or extensions of boundaries by any such cities and towns; providing for severability; and declaring an emergency."

To the Committee on State Affairs.

Senate Resolution 343

Senator Weinert offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, 60 pupils of the 4A and 4B Grades of the F. C. Weinert Elementary School of Seguin, Guadalupe County, Texas, accompanied by Mrs. Osborne and Mrs. J. Williams, teachers, and the following parents: Mesdames Schneider, Ray, Oyler, and Mr. and Mrs. Meier; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Weinert by unanimous con-

sent presented the students, teachers and parents to the Members of the Senate.

Senate Resolution 344

Senator Colson offered the following resolution:

Whereas, It has been the custom to have the photographs of the Governor, Lieutenant Governor, Senators, and Secretary of the Senate prepared in a block picture and placed in the Senate Chamber at the end of each legislative session; and

Whereas, It is the desire of the Senate to honor the children of the Members of the Senate as mascots; now, therefore, be it

Resolved, That all sons of the Members of the Senate who have not reached their fifth birthday are hereby elected mascots of the Senate, and that their pictures be included in the block picture of the Senate; and, be it further

Resolved, That all daughters of the Members of the Senate who have not reached their fifth birthday are hereby elected sweethearts of the Senate and their pictures be included in the block picture of the Senate; and be it further

Resolved, That this resolution shall not include the children previously named mascots or sweethearts in the Senate, and whose pictures appear on existing block picture panels of the Senate; and, be it further

Resolved, by the Senate of Texas, That a committee of three (3) Senators be appointed to arrange to have the photographs made of the Governor, Lieutenant Governor, Senators, Secretary of the Senate, Mascots, and Sweethearts, and that said photographs be arranged in a block panel and placed in the Senate Chamber, the expense for which to be paid out of the contingent fund of the Senate.

The resolution was read and was adopted.

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
April 14, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Coun-

ties, Cities and Towns, to whom was referred S. B. No. 444, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senate Bill 432 on Second Reading

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 432, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59 of Article 16, Constitution of Texas, to be known as Hays County Wimberley Water Supply District; providing for the rights, powers, privileges, and duties thereof; providing for a Board of Supervisors and a Tax Assessor and Collector thereof; containing other provisions relating to the subject; providing a severability clause; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 432 on Third Reading

Senator Weinert moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 432 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Committee Substitute Senate Concurrent Resolution 18 on Second Reading

On motion of Senator Baker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time the following resolution:

C. S. S. C. R. No. 18, Providing committee of 9 members to study consolidation of City and County Governments.

The resolution was read and was adopted.

Record of Votes

Senators Parkhouse, Lane, Hudson and Crump asked to be recorded as voting "Nay" on the adoption of the above resolution.

Senate Concurrent Resolution 17 on Second Reading

Senator Fly asked unanimous consent to suspend the regular order of business and take up S. C. R. No. 17 for consideration at this time.

There was objection.

Senator Fly then moved to suspend the regular order of business and take up S. C. R. No. 17 for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

Aikin	Moffett
Bradshaw	Moore
Colson	Parkhouse
Crump	Phillips
Dies	Ratliff
Fly	Reagan
Gonzalez	Roberts
Hardeman	Smith
Hazlewood	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Nays—6

Fuller	Owen
Herring	Rogers
Hudson	Secrest

Absent

Baker	Martin
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The President laid before the Senate the following resolution:

S. C. R. No. 17, Creating Texas Educational Standards Commission to study public schools curricula, etc.

The resolution was read.

Senator Aikin offered the following amendment to the resolution:

Amend S. C. R. 17 by adding after the word whereas on line 20, page 1, the following "it has been claimed by some that."

The amendment was adopted.

The resolution as amended was then adopted.

Record of Votes

Senators Herring and Fuller asked to be recorded as voting "Nay" on the adoption of the above resolution.

Senate Resolution 345

Senator Weinert offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, 63 pupils of the 4th Grade, Campus Elementary School, San Marcos, Hays County, Texas, accompanied by their teachers, Mrs. Beulah Yoakum and Mrs. Madine Cunningham; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Weinert by unanimous consent presented the students and teachers to the Members of the Senate.

Senate Resolution 346

Senator Secrest offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, 20 students of the 7th and 8th grades of the Bosqueville, McLennan County, Texas, accompanied by their sponsor, Mr. and Mrs. Bennie Ballew; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Secrest by unanimous consent presented the students and Mr. and Mrs. Ballew to the Members of the Senate.

Senate Resolution 347

Senator Fly offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, Sen-

ior Class from Skidmore-Tynan Rural High School, accompanied by their Principal, Mr. Leroy Hoff; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Fly by unanimous consent presented the students and the principal to the Members of the Senate.

Senate Resolution 348

Senator Weinert offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, 20 pupils of the Senior and Junior Class of Kyle High School, Kyle, Hays County, Texas, accompanied by Coach Bill Johnson and Mrs. Jim Box; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Weinert by unanimous consent presented the students and Mr. Johnson and Mrs. Box to the Members of the Senate.

Senate Resolution 349

Senator Weinert offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, 16 pupils of Pleasanton Junior High School, Pleasanton, Atascosa County, Texas, accompanied by their teacher and sponsor, Mr. Dale Nerberger; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young Americans is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Weinert by unanimous consent presented the students and Mr. Nerberger to the Members of the Senate.

Senate Bill 233 on Second Reading

The President laid before the Senate as unfinished business S. B. No. 233 on its second reading and passage to engrossment. (The bill having been read the second time on Tuesday, April 7, 1959, and amended.)

Question—Shall S. B. No. 233 be passed to engrossment?

Senator Owen offered the following amendment to the bill:

Amend S. B. No. 233 by adding a new section as follows:

"Sec. 1a. Nothing in this Act shall prohibit any retail dealer in motor fuel from advertising by signs or otherwise the true prices together with tax of his products, provided further that the type of fuel must accompany the price at which same is offered."

The amendment was read.

Senator Krueger moved to table the amendment.

The motion to table was lost.

Question recurring on the amendment it was adopted.

Record of Vote

Senator Krueger asked to be recorded as voting "Nay" on the adoption of the above amendment.

On motion of Senator Krueger and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended passed to engrossment.

Record of Votes

Senators Lane and Hardeman asked to be recorded as voting "Nay" on the passage of S. B. No. 233 to engrossment.

Motion to Place**Senate Bill 233 on Third Reading**

Senator Krueger moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 233 be placed on its third reading and final passage.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members present.):

Yeas—23

Aikin	Moffett
Baker	Moore
Colson	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Rogers
Hazlewood	Secrest
Herring	Smith
Kazen	Weinert
Krueger	Willis
Martin	

Nays—8

Bradshaw	Lane
Crump	Owen
Hardeman	Roberts
Hudson	Wood

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 14, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 61, Granting permission to the Waco Memorial Park to sue the State of Texas and the State Highway Commission.

H. C. R. No. 62, Granting permission to Mrs. Amelia Daywood Samon to sue the State of Texas and/or the State Highway Department of Texas.

H. C. R. No. 63, Granting Robert W. Riddell and D. L. Peterson permission to sue the State of Texas.

H. C. R. No. 72, Granting Fritz Luckenbach of Menard County, Texas, permission to sue the State.

H. C. R. No. 75, Granting C. F. Anderson and J. D. Holt permission to sue the State of Texas.

H. C. R. No. 80, Granting permission to C. N. Housh and Lester G. Housh, Harris County, Houston, Texas, to sue the State of Texas.

H. C. R. No. 89, Authorizing the Enrolling Clerk of the House of Representatives to make certain corrections in House Bill No. 7.

H. C. R. No. 57, Granting Roy Johnston permission to sue the State of Texas.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Report of Standing Committee

Senator Hazlewood by unanimous consent submitted the following report:

Austin, Texas,
April 14, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Privileges and Elections, to whom was referred H. B. No. 167, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass favorably and be printed.

HAZLEWOOD, Chairman.

Motion to Place**Senate Bill 3 on Second Reading**

Senator Parkhouse asked unanimous consent to suspend the regular order of business and take up S. B. No. 3 for consideration at this time.

There was objection.

Senator Parkhouse then moved to suspend the regular order of business and take up S. B. No. 3 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—18

Aikin	Kazen
Bradshaw	Krueger
Colson	Martin
Crump	Moffett
Fly	Parkhouse
Hardeman	Ratliff
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert

Nays—13

Baker	Phillips
Dies	Reagan
Fuller	Roberts
Gonzalez	Rogers
Lane	Willis
Moore	Wood
Owen	

**House Concurrent Resolution 89
on Second Reading**

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 89, Authorizing the Enrolling Clerk of House to make certain corrections in H. B. No. 7.

The resolution was read.

On motion of Senator Weinert and by unanimous consent the resolution was considered immediately and was adopted.

Senate Bill 449 on First Reading

Senator Moore by unanimous consent moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Colson
Baker	Crump
Bradshaw	Dies

Fly	Owen
Fuller	Parkhouse
Gonzalez	Phillips
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Roberts
Hudson	Rogers
Kazen	Secrest
Krueger	Smith
Lane	Weinert
Martin	Willis
Moffett	Wood
Moore	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Moore:

S. B. No. 449, A bill to be entitled "An Act amending Article 2614, Chapter 2 of Title 49, Revised Civil Statutes of Texas, 1925, so as to authorize the Board of Directors of the Agricultural and Mechanical College of Texas to invest the money constituting the perpetual fund described therein, in United States Government Securities in furtherance of the interests of said College and in accordance with the terms on which it was received; and declaring an emergency."

To the Committee on State Affairs.

**Conference Committee Report
on Senate Bill 159**

Senator Colson submitted the following Conference Committee Report on S. B. No. 159:

Austin, Texas,
April 9, 1959.

Hon. Ben Ramsey, President of the Senate:

Hon. Waggoner Carr, Speaker of the House of Representatives:

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 159, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form attached.

COLSON
AIKIN
KRUEGER
REAGAN
RATLIFF

On the part of the Senate.
COLEY

DUNAGAN
PARSONS
PIERATT
FOREMAN

On the part of the House.

S. B. No. 159, A bill to be entitled "An Act conferring upon the Game and Fish Commission regulatory authority over wildlife resources in the counties of Archer, Baylor, Brazos, Comanche, Ellis, Grimes, Hamilton, Knox, Montgomery, Polk, Robertson, and Williamson; amending Section 1 of Chapter 125, Acts of the Fifty-second Legislature, 1951, as amended, so as to make that act applicable to such counties; repealing certain laws and fixing the effective date of the repeal; providing for severability; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 1 of Chapter 125, Acts of the Fifty-second Legislature, 1951, as last amended by Chapters 115 and 181, Acts of the Fifty-fifth Legislature, Regular Session, 1957, is amended to read as follows:

"Section 1. This Act shall apply only to the counties of Archer, Baylor, Bell, Bosque, Bowie, Brazos, Clay, Comanche, Coryell, Denton, Ellis, Erath, Falls, Fannin, Freestone, Grimes, Hamilton, Hardin, Hill, Hood, Jack, Jefferson, Johnson, Knox, Limestone, McLennan, Milam, Montague, Montgomery, Orange, Palo Pinto, Parker, Polk, Red River, Robertson, Somervell, Stephens, Titus, Williamson, Wise and Young."

Sec. 2. All laws and parts of laws, both general and special, prescribing an open season or period of time when it shall be lawful to take or kill any of the wildlife resources of the counties of Archer, Baylor, Brazos, Comanche, Ellis, Grimes, Hamilton, Knox, Montgomery, Polk, Robertson, and Williamson; prescribing a closed season for such killing or taking and the quantity to be taken; providing for open waters or closed waters in said counties; prescribing or limiting the method or means or manner in which any of the wildlife resources of said counties are taken are hereby repealed insofar as they apply to said counties. All laws, general or special, in conflict with the provisions of this Act are likewise repealed to the extent of such conflict only, provided, however, all laws which are repealed herein shall remain in full force and effect until superseded by a rule, reg-

ulation, or order legally promulgated by the Game and Fish Commission.

Sec. 3. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 4. The fact that the present laws applicable to the counties of Archer, Baylor, Brazos, Comanche, Ellis, Grimes, Hamilton, Knox, Montgomery, Polk, Robertson, and Williamson do not adequately protect the wildlife resources of these counties creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the adoption of the Conference Committee Report on S. B. No. 159.

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
April 14, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 566, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Recess

On motion of Senator Reagan the Senate at 12:02 o'clock p.m. took recess until 2:00 o'clock p.m. today.

After Recess

The President called the Senate to order at 2:00 o'clock p.m. today.

Message from the House

Hall of the House of Representatives
Austin, Texas,
April 14, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 134, A bill to be entitled "An Act amending Section 37 of the Election Code of the State of Texas (Article 5.05, Vernon's Texas Election Code) so as to change the period for absentee voting; to prescribe the form of the physician's certificate required in cases of sickness or physical disability; to define the classes of absentee voters who may vote by mail and the classes who may vote only by personal appearance in the clerk's office and to regulate such voting; to prescribe the procedure for absentee voting in elections which are less than county-wide; and to regulate assistance to absentee voters; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bills and Resolutions on First Reading

The following bills and resolutions received from the House were read the first time and referred to the committees indicated:

H. B. No. 922, To the Committee on Counties, Cities and Towns.

H. B. No. 859, To the Committee on Counties, Cities and Towns.

H. B. No. 343, To the Committee on Privileges and Elections.

H. B. No. 351, To the Committee on State Affairs.

H. B. No. 376, To the Committee on State Affairs.

H. B. No. 420, To the Committee on Jurisprudence.

H. B. No. 438, To the Committee on State Affairs.

H. B. No. 440, To the Committee on Jurisprudence.

H. B. No. 453, To the Committee on State Affairs.

H. B. No. 448, To the Committee on Jurisprudence.

H. B. No. 791, To the Committee on Counties, Cities and Towns.

H. B. No. 509, To the Committee on State Affairs.

H. B. No. 553, To the Committee on Counties, Cities and Towns.

H. B. No. 555, To the Committee on Water and Conservation.

H. B. No. 890, To the Committee on Counties, Cities and Towns.

H. B. No. 737, To the Committee on Jurisprudence.

H. B. No. 641, To the Committee on Game and Fish.

H. B. No. 698, To the Committee on Agriculture and Livestock.

H. B. No. 519, To the Committee on State Affairs.

H. B. No. 703, To the Committee on Water and Conservation.

H. B. No. 559, To the Committee on State Affairs.

H. B. No. 488, To the Committee on Public Health.

H. B. No. 332, To the Committee on Water and Conservation.

H. B. No. 134, To the Committee on Privileges and Elections.

H. B. No. 26, To the Committee on Privileges and Elections.

H. B. No. 342, To the Committee on State Affairs.

H. C. R. No. 57, To the Committee on Jurisprudence.

H. C. R. No. 61, To the Committee on Jurisprudence.

H. C. R. No. 62, To the Committee on Jurisprudence.

H. C. R. No. 63, To the Committee on Jurisprudence.

H. C. R. No. 72, To the Committee on Jurisprudence.

H. C. R. No. 75, To the Committee on Jurisprudence.

H. C. R. No. 80, To the Committee on Jurisprudence.

**House Concurrent Resolution 81 on
Second Reading**

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 81, Relative to the Texas Surplus Property Agency.

The resolution was read.

On motion of Senator Bradshaw and by unanimous consent the resolution was considered immediately and was adopted.

Senate Bill 431 on Second Reading

On motion of Senator Baker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 431, A bill to be entitled "An Act authorizing boards of trustees of independent school districts located in counties having a population of Eight Hundred Thousand (800,000) or more according to the last preceding Federal census and having a scholastic enumeration of One Hundred Thousand (100,000) or more according to the last preceding scholastic enumeration to make expenditures from local school funds of the district for the purpose of televising and/or broadcasting their meetings; providing that this Act shall be cumulative; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 431 on Third Reading

Senator Baker moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 431 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Hazlewood
Baker	Herring
Bradshaw	Hudson
Colson	Kazen
Crump	Krueger
Dies	Lane
Fly	Martin
Fuller	Moffett
Gonzalez	Moore

Owen	Roberts
Parkhouse	Rogers
Phillips	Secrest
Ratliff	Weinert
Reagan	Willis

Nays—1

Hardeman

Absent

Smith Wood

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

Nays—1

Hardeman

Absent

Wood

Senate Bill 438 on Second Reading

On motion of Senator Rogers and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 438, A bill to be entitled "An Act amending Senate Bill 32, Acts of the 55th Legislature, State of Texas, Regular Session, 1957; so as to change sub-section (e) of Section 9 of such Act and providing that eggs shall not be labeled as 'fresh' which have been held under refrigeration for a period of sixty (60) days or more; and declaring an emergency."

The bill was read the second time.

Senator Rogers offered the following amendment to the bill:

Amend S. B. No. 438 by striking out all of Subsection (e) of Section 1 of the printed bill and placing in lieu thereof the following, "(e) be labelled 'cold storage eggs' if the eggs offered for sale therein have been held under refrigeration for a period of sixty (60) days or more."

The amendment was adopted.

On motion of Senator Rogers and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 438 on Third Reading

Senator Rogers moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 438 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis

Absent

Wood

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Colson
Baker	Crump
Bradshaw	Dies

Fly	Moore
Fuller	Owen
Gonzalez	Parkhouse
Hardeman	Phillips
Hazlewood	Ratliff
Herring	Reagan
Hudson	Roberts
Kazen	Rogers
Krueger	Secrest
Lane	Smith
Martin	Weinert
Moffett	Willis

Absent

Wood

(Senator Kazen in the Chair.)

Motion to Place Senate Bill 174 on Second Reading

Senator Gonzalez moved to suspend the regular order of business and take up S. B. No. 174 for consideration at this time.

The motion was lost by the following vote:

Yeas—11

Baker	Moore
Bradshaw	Owen
Gonzalez	Rogers
Herring	Secrest
Kazen	Willis
Krueger	

Nays—18

Aikin	Martin
Colson	Moffett
Crump	Parkhouse
Dies	Ratliff
Fly	Reagan
Fuller	Roberts
Hardeman	Smith
Hudson	Weinert
Lane	Wood

Absent

Hazlewood Phillips

Senate Resolution 350

Senator Moore offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Junior and Senior Classes of the Snook High School of Burleson County, accompanied by their teacher, Mr. W. E. Dalcha; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Moore by unanimous consent presented the students and their teacher to the Members of the Senate.

Senate Resolution 351

Senator Owen offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Messrs. William J. Hooten, Maurice E. Hill, Wayne L. Slaughter and Albert Ponsford, prominent citizens of El Paso; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Owen by unanimous consent presented the guests to the Members of the Senate.

Reports of Standing Committees

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
April 14, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 532, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Krueger by unanimous consent submitted the following report:

Austin, Texas,

April 14, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 854, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

House Bill 854 Ordered Not Printed

On motion of Senator Fly and by unanimous consent H. B. No. 854 was ordered not printed.

Senate Bill 278 on Second Reading

On motion of Senator Bradshaw and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 278, A bill to be entitled "An Act amending Chapter 173, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended (Article 6687b, Revised Civil Statutes of Texas, 1925, as amended) by re-enacting and redesignating Subsections (a) and (b) of the present Section 21; adding to Section 21 to provide authority and procedure for the Department of Public Safety to furnish information from the licensing records and the fees to be charged therefor; providing no fee to be charged governmental agencies; providing for disposition of fees; providing a savings clause; repealing all laws or parts of laws in conflict therewith; and declaring an emergency."

The bill was read second time.

Senator Bradshaw offered the following Committee Amendment to the bill:

Amend Sub-paragraph (e) of Section 1 of Senate Bill 278 so that it shall be and read as follows:

"(e) The Department is authorized to provide a listing of the sum total of accidents and violations from the licensing records and to itemize therefrom by date and location accidents and violations occurring within the immediate past three (3) year period when requested, upon forms approved

by the Department, upon payment of a fee sufficient to cover the cost involved, but in no case shall such fee be less than twenty-five (25) cents."

The Committee Amendment was adopted.

On motion of Senator Bradshaw and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 278 on Third Reading

Senator Bradshaw moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 278 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Hudson
Baker	Kazen
Bradshaw	Krueger
Colson	Lane
Crump	Martin
Dies	Moffett
Fly	Moore
Fuller	Owen
Gonzalez	Parkhouse
Hardeman	Phillips
Hazlewood	Ratliff
Herring	Reagan

Roberts	Weinert
Rogers	Willis
Secrest	Wood
Smith	

Senate Bill 352 on Second Reading

On motion of Senator Smith and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 352, A bill to be entitled "An Act amending Sections 17, 18, and 19, of Chapter 290, Acts of the 41st Legislature, as amended by the 44th Legislature, 1935, so as to provide for the creation of Union Junior College Districts where there are two or more contiguous independent school districts, or two or more contiguous common school districts, or a combination of one or more independent school districts, with one or more common school districts of contiguous territory, having a combined taxable wealth of not less than \$9,500,000 and having a scholastic population of not less than 7,000, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 352 on Third Reading

Senator Smith moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 352 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

The Presiding Officer then laid the

bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Bradshaw	Moore
Colson	Owen
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Senate Resolution 352

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, Class 4A from the elementary school in Taylor, Williamson County, Texas, accompanied by their teacher, Mrs. W. A. Phifer; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this resolution, properly endorsed, bearing the official seal of the Senate, be mailed to their class in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and their teacher to the Members of the Senate.

Reports of Standing Committee

Senator Aikin by unanimous consent submitted the following reports:

Austin, Texas,
April 14, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your committee on Counties, Cities and Towns, to whom was referred H. B. No. 859, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
April 14, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 922, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

(President in the Chair.)

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions.

H. B. No. 111, An Act amending Section 1a, Acts of the Regular Session of the Forty-sixth Legislature, Special Laws, page 831, as added to said Act by Acts Chapter 281, page 445,, as amended by Acts of the Forty-ninth Legislature, 1945, Chapter 110, page 158, as amended by Acts of the Fiftieth Legislature, 1947, Chapter 160, page 264, as amended by Acts of the Regular Session of the Fifty-first Legislature, 1949, Chapter 16, page 14, so as to make it lawful to capture, shoot or kill collared peccary or javelina at any time in Upton County and to prohibit the possession for sale, offer for sale, or sale thereof in said County; prescribing a penalty for violation; repealing laws or parts of laws in conflict; and declaring an emergency."

H. B. No. 184, Amending Section 22 of Chapter 52, Acts of the Forty-first Legislature, First Called Session, 1929, compiled as Section 22 of Article 1525b, Vernon's Annotated Penal Code relating to the control and eradication of bovine tuberculosis; providing a penalty for violation; and declaring an emergency.

H. C. R. No. 30, Memorializing Congress relative to preservation of the water rights of individuals and states.

H. C. R. No. 66, Memorializing the Congress of the United States to enact appropriate legislation according to the states and local public agencies the permanent right to utilize storage space at Government Reservoirs when such storage space has been constructed virtually at the expense of such states or local public agencies, and requesting our Texas Delegation to introduce and support such legislation.

H. C. R. No. 85, Inviting the Governor and Lieutenant Governor of New Mexico to address a Joint Session of the Texas Legislature on Monday, April 27, 1959.

Senate Bill 152 on Second Reading

Senator Reagan asked unanimous consent to suspend the regular order of business and take up S. B. No. 152 for consideration at this time.

There was objection.

Senator Reagan then moved to suspend the regular order of business and take up S. B. No. 152 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Aikin	Martin
Colson	Moffett
Dies	Moore
Fiy	Owen
Fuller	Phillips
Hazlewood	Reagan
Herring	Roberts
Hudson	Secrest
Kazen	Willis
Krueger	Wood

Nays—9

Bradshaw	Parkhouse
Crump	Ratliff
Gonzalez	Rogers
Hardeman	Weinert
Lane	

Absent

Baker	Smith
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The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 152, A bill to be entitled "An Act relating to the advertising of the historical, natural, agricultural,

industrial, educational, recreational, and other resources of Texas; providing for the creation of the Texas Development Board and prescribing the powers and duties thereof; prescribing the duties and responsibilities of the Texas Highway Department and Texas Industrial Commission relative to the program; authorizing acceptance and use of donations and appropriating donations previously made; providing for severability; and declaring an emergency."

The bill was read second time.

Senator Reagan offered the following Committee Amendment to the bill:

Amend Senate Bill 152, Section 2, by adding a new paragraph to be known as paragraph (c) to read as follows:

Any appropriation made by the Legislature to either the Industrial Commission or the Texas Highway Department, to carry out the purpose of this act, in excess of \$100,000 for each year of the biennium, shall be matched by equal contributions from private sources and industry prior to any expenditure from said excess fund for a cooperative program of advertising. In order to prevent any corporation or enterprise from dominating any matching funds appropriated by the Legislature, no more than 10% of said matching fund may be used during any one year for the purpose of fulfilling advertising agreements with any one individual, association, or corporation.

The Committee Amendment was read.

Senator Parkhouse moved to table the amendment.

Question on the motion to table, Yeas and Nays were demanded.

The motion to table was lost by the following vote:

Yeas—8

Bradshaw	Parkhouse
Gonzalez	Ratliff
Hardeman	Smith
Lane	Willis

Nays—21

Aikin	Colson
Baker	Crump

Dies	Moffett
Fly	Owen
Fuller	Phillips
Hazlewood	Reagan
Herring	Roberts
Hudson	Secrest
Kazen	Weinert
Krueger	Wood
Martin	

Absent

Moore	Rogers
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Question recurring on the Committee Amendment, the amendment was adopted.

Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Reagan offered the following Committee Amendment to the bill:

Amend Senate Bill 152, Section 2, by adding a new subsection to be known as sub-section (d) to read as follows:

The Texas Development Board shall have the approval of the employment of any advertising agency or agencies contracted to handle the advertising program by the Highway Department and the Industrial Commission as envisioned by this Act.

The Committee Amendment was adopted.

Senator Reagan offered the following Committee Amendment to the bill:

Amend Senate Bill 152, Section 3, paragraph (a), by inserting in the first sentence of said paragraph the words "for free distribution" after the phrase "the department is empowered to compile and publish."

The Committee Amendment was adopted.

Senator Reagan offered the following Committee Amendment to the bill:

Amend Senate Bill 152, Section 4, sub-section (a) by inserting a comma after the word "industry" and adding thereafter the word "agriculture."

The Committee amendment was adopted.

Senator Reagan offered the following Committee Amendment to the bill:

Amend Senate Bill 152, Section 4, subsection (e) by putting a period after the word "countries" and by striking out the remainder of said subsection.

The Committee Amendment was adopted.

Senator Reagan offered the following Committee Amendment to the bill:

Amend Senate Bill 152, Section 2, by changing the wording in the present Committee Amendment No. 2 to read as follows:

The Texas Highway Department and the Texas Industrial Commission shall employ one advertising agency to handle all space advertising. The Texas Development Board shall approve the advertising agency selected jointly by the Texas Highway Department and the Texas Industrial Commission for space advertising. The Texas Highway Department and the Texas Industrial Commission shall submit an annual fiscal report to the Texas Development Board accounting for all expenditures used in the promotion and development of Texas as prescribed in this Act.

The Committee Amendment was read.

Senator Parkhouse raised the point of order that the pending Committee Amendment attempted to amend an amendment previously adopted at the same stage of the bill.

The President sustained the point of order.

Senator Gonzalez offered the following amendment to the bill:

Amend Section 1 of S. B. 152 by adding the following after the words "Texas Highway Commission," the Chairman of the Texas Game and Fish Commission, and the Chairman of the State Parks Board.

The amendment was adopted.

On motion of Senator Reagan and by unanimous consent the caption was amended to conform to the body of the bill as amended.

Question on passage of S. B. No.

152 to engrossment, yeas and nays were demanded.

S. B. No. 152 was passed to engrossment by the following vote:

Yeas—20

Aikin	Krueger
Baker	Martin
Colson	Moffett
Dies	Moore
Fly	Owen
Fuller	Phillips
Gonzalez	Reagan
Hazlewood	Roberts
Hudson	Secrest
Kazen	Wood

Nays—10

Bradshaw	Ratliff
Crump	Rogers
Hardeman	Smith
Lane	Weinert
Parkhouse	Willis

Absent

Herring

Senate Bill 152 on Third Reading

Senator Reagan moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 152 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Dies	Owen
Fly	Phillips
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Secrest
Hudson	Smith
Kazen	Willis
Krueger	Wood

Nays—6

Crump	Ratliff
Hardeman	Rogers
Parkhouse	Weinert

Absent

Herring

The President then laid the bill be-

fore the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Parkhouse, Hardeman, Smith, Lane, Ratliff, Willis, Bradshaw, Crump and Rogers asked to be recorded as voting "Nay" on the final passage of S. B. No. 152.

**Motion to Place
Senate Bill 354 on Second Reading**

Senator Moore asked unanimous consent to suspend the regular order of business and take up S. B. No. 354 for consideration at this time.

There was objection.

Senator Moore then moved to suspend the regular order of business and take up S. B. No. 354 for consideration at this time.

The motion was lost by the following vote:

Yeas—12

Baker	Kazen
Bradshaw	Moffett
Colson	Moore
Crump	Phillips
Gonzalez	Secrest
Hazlewood	Wood

Nays—17

Aikin	Parkhouse
Dies	Ratliff
Fly	Reagan
Hardeman	Roberts
Hudson	Rogers
Krueger	Smith
Lane	Weinert
Martin	Willis
Owen	

Absent

Fuller Herring

Senate Bill 374 on Second Reading

Senator Hazlewood asked unanimous consent to suspend the regular order of business and take up S. B. No. 374 for consideration at this time.

There was objection.

Senator Hazlewood then moved to suspend the regular order of business

and take up S. B. No. 374 for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

Aikin	Martin
Bradshaw	Owen
Colson	Phillips
Crump	Ratliff
Dies	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Wood
Lane	

Nays—5

Baker	Parkhouse
Fly	Willis
Moffett	

Absent

Fuller	Moore
Herring	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 374, A bill to be entitled "An Act amending Article IV, House Bill 20, Acts of the 47th Legislature, 1941, Chapter 173, page 245 (being Article IV, Section 22 of Article 6687b, Vernon's Annotated Civil Statutes of Texas, 1925, as amended) by adding a new subsection (c) under subsection (b) thereof, and providing for trials de novo in the County Court where the suspension of license occurs under certain provisions thereof; prohibiting the suspension of a license pending appeal and providing for setting aside any order of suspension; repealing laws of the conflict; and declaring an emergency."

The bill was read second time.

Senator Hazlewood offered the following Committee Amendment to the bill:

Amend Senate Bill No. 374 by Hazlewood by striking everything below the enacting clause so that the same hereafter shall read as follows:

"Section 1. Article IV, House Bill 20, Acts of the 47th Legislature, 1941, Chapter 173, page 245 (being Article

IV, Section 22 of Article 6687b, Vernon's Annotated Civil Statutes of Texas, 1925, as amended), is hereby amended by adding a new subsection to be described as subsection 'c,' immediately following paragraph numbered '8' under subsection 'b,' under Section 22 under Article IV thereof, so that hereafter said Section 22 will read as follows:

"Sec. 22. Authority of Department to suspend or revoke a license.

"(a) When under Section 10 of this Act the Director believes the licensee to be incapable of safely operating a motor vehicle, the Director may notify said licensee of such fact and summons him to appear for hearing as provided hereinafter. Such hearing shall be had not less than ten (10) days after notification to the licensee or operator under any of the provisions of this Section, and upon charges in writing a copy of which shall be given to said operator or licensee not less than ten (10) days before said hearing. For the purpose of hearing such cases jurisdiction is vested in the mayor of the city, or judge of the police court, or a justice of the peace in the county or subdivision thereof where the operator or licensee resides. Such court may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relative books and papers. It shall be the duty of the court to set the matter for hearing upon ten (10) days written notice to the Department. Upon such hearing, in the event of an affirmative finding by the court, the officer who presides at such hearing shall report the same to the Department which shall have authority to suspend said license for a period not greater than one (1) year, provided, however, that in the event of such affirmative finding the licensee may appeal to the county court of the county wherein the hearing was held, said appeal to be tried de novo. Notice by registered mail to address shown on the license of licensee shall constitute service for the purpose of this Section.

"(b) The authority to suspend the license of any operator, commercial operator, or chauffeur as authorized in this Section is granted the Department upon determining after proper hearing as hereinbefore set out that the licensee:

"1. Has committed an offense for

which automatic suspension of license is made upon conviction;

"2. Has been responsible as a driver for any accident resulting in the death or personal injury of another or serious property damage;

"3. Is an habitually reckless or negligent driver of a motor vehicle;

"4. Is an habitual violator of the traffic law;

"5. Is incapable to drive a motor vehicle;

"6. Has permitted an unlawful or fraudulent use of such license;

"7. Has committed an offense in another State, which if committed in this State would be grounds for suspension or revocation;

"8. Has failed or refused to submit a report of any accident in which he was involved as provided in Section 39 of this Act.

"(c) Any licensee whose license has been suspended under or by reason of any of the provisions set forth in subparagraphs numbers '3,' '4,' '5,' and '8' under subsection '(b)' immediately above, shall have the right to appeal therefrom to the County Court of the county of the residence of the licensee. Upon such appeal the question of suspension of the license shall be a trial de novo either before the court or a jury at the election of the licensee; and said trial shall be in fact a trial de novo, and the substantial evidence rule shall have no application or govern the trial of said case, which shall be tried the same as if there has been no prior hearing on the matter of suspension of said license.

"Pending final determination of the appeal the license shall not be deemed suspended and any suspension order is itself suspended and is hereby set aside and nullified pending appeal.

"Section 2. All laws or parts of laws in conflict with this Act are hereby expressly repealed.

"Section 3. The fact that driving licenses are valuable rights to the holders thereof and are necessary to making a livelihood for most people, and the fact that this Act provides for a trial de novo, and the further fact that many licenses are now being suspended for less serious offenses without according the holders thereof a due and proper hearing in the Court of Law and of Record, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be sus-

pended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

The Committee Amendment was read.

Senator Hazlewood offered the following amendment to the Committee Amendment:

Amend Committee Amendment No. 1 to Senate Bill 374, by striking out Subsection (c) under Subsection 22, beginning on Line 2, Page 2, and substituting in lieu thereof the following:

"(c) Any licensee who is not willing and does not consent to abide by the final ruling or decision of the Department suspending said license, and whose license has been suspended under or by reason of any of the provisions set forth in Subparagraphs '3,' '4,' '5,' and '8' under Subsection (b) immediately above, may, within thirty days after the date of receipt of notice of the suspension of such license from the Department, bring suit in the County Court, or County Court at Law, of his residence to set aside said final ruling and decision suspending said license, which suit shall be either before the Court or a jury at the election of the licensee, and said Court shall, in either event, determine the issues in such cause, instead of the Department, upon a trial de novo, and shall be tried the same as if there had been no prior hearing on the matter of suspension of said license and in the same manner as a trial in the County Court on appeal from the Justice Court. Any such licensee as may bring suit to set aside such ruling and decision, shall send a copy thereof certified to by the Clerk of said Court, to the Department by registered mail. If any licensee who is a party to such final ruling and decision of the Department fails within thirty days to institute or prosecute a suit to set such suspension aside, then said final ruling and decision of the Department shall be binding upon all parties thereto.

"Pending final determination of the appeal the license shall not be deemed suspended and any suspension order by the Department is itself suspended and is hereby set aside and nullified pending appeal."

The amendment to the Committee Amendment was adopted.

The Committee Amendment as amended was then adopted.

On motion of Senator Hardeman and by unanimous consent the vote by which the Committee Amendment as amended was reconsidered and the Committee Amendment as amended was laid before the Senate.

Question — Shall the Committee Amendment as amended be adopted?

Senator Hardeman then offered the following amendment to the Committee Amendment:

Amend Committee Amendment No. 1 to S. B. 374 by adding a new section to read as follows:

"It shall be unlawful for any peace officer to take or remove from any person his license to operate a motor vehicle except by order of a court of competent jurisdiction of this state; and renumber sections to conform.

HARDEMAN
LANE

The amendment to the Committee Amendment was adopted.

The Committee Amendment as amended was then adopted.

On motion of Senator Hazlewood and by unanimous consent the caption was amended to conform to the body of the bill as amended.

Question on the passage of S. B. No. 374 to engrossment, yeas and nays were demanded.

S. B. No. 374 was passed to engrossment by the following vote:

Yeas—24

Aikin	Lane
Colson	Martin
Crump	Owen
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Wood

Nays—5

Baker	Parkhouse
Bradshaw	Willis
Moffett	

Absent

Herring	Moore
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Senate Bill 374 on Third Reading

Senator Hazlewood moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 374 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Martin
Colson	Moffett
Crump	Owen
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Wood
Lane	

Nays—4

Baker	Parkhouse
Bradshaw	Willis

Absent

Herring	Moore
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The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Willis, Parkhouse and Baker asked to be recorded as voting "Nay" on the final passage of S. B. No. 374.

Reports of Standing Committees

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
April 14, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred H. B. No. 791, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Bradshaw by unanimous consent submitted the following report:

Austin, Texas,
April 14, 1959.

Hon. Ben Ramsey, President of the Senate:

Sir: We, your Committee on Insurance, to whom was referred H. B. No. 472, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BRADSHAW, Chairman.

Senator Colson by unanimous consent submitted the following report:

Austin, Texas,
April 14, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred S. B. No. 268, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

COLSON, Chairman.

C. S. S. B. No. 268 was read the first time.

Adjournment

On motion of Senator Weinert the Senate at 4:45 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

FORTY-NINTH DAY

(Wednesday, April 15, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Owen
Dies	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Secrest
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood

Absent—Excused

Rogers

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Holy Father, the heavens declare Thy glory, and the firmaments sheweth Thy handiwork. Forgive our sins, and create within us clean hearts, so may our lives and the work of our hands, show forth Thy handiwork, and glorify our Father which is in heaven. In His name we pray. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Rogers was granted leave of absence for today on account of important business on motion of Senator Smith.

Senate Resolution 355

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate, John Francis Killea, U. S. Consul General in Monterrey, Mexico; and

Whereas, He has devoted himself to the diplomatic service where he has become greatly distinguished. He is highly esteemed and has earned wide acclaim in Mexico as an acute observer of the needs and conditions of the country he serves; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, by the Senate of the State of Texas, That this Body acknowledge the presence in the Senate of Consul General John Francis Killea and commend him for the fine work he is doing in the service of his country; and be it further

Resolved, That Mr. Killea be extended the privileges of the floor in order to observe more closely the operations of this Body.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented Mr. Killea to the Members of the Senate.